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6 Attorney for Defendants: Steve Weera
7 Tonasut, as Trustee of the Tonasut
8 Family Trust dated June 14, 2004,
9 for and in place of the erroneously named
10 Defendant "Steve Weera Tonasut Trust";
and, Emil Assentato; and, Tax Deed
Enterprises, LLC, a Delaware limited
liability company.

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 CLINTON BROWN,
15 PLAINTIFF,
16
17 VS.
18 EMIL ASSENTATO, TAX DEED
19 ENTERPRISES LLC, STEVE WEERA
20 TONASUT TRUST,
21 DEFENDANTS.

Case No.:LACV23-02972-MEMF(KSx)

NOTICE OF MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT
[DOC. #40] BY DEFENDANTS FOR
FAILURE OF PLAINTIFF TO STATE
A CLAIM UNDER RULE 12(b)(6)
AND RULE 9(b) AND 15 U.S.C. §
78u-4 AS TO

[FILED WITH MEMO OF POINTS,
REQUEST FOR JUDICIAL NOTICE,
AND PROPOSED ORDER LODGED]

DATE: February 29, 2024
TIME: 10:00 A.M.
CTRM: 8B

26
27 TO PLAINTIFF, ALL PARTIES, THE CLERK OF THE COURT AND THE
28 HONORABLE MAAME EWUSI-MENSAH FRIMPONG, DISTRICT JUDGE:

NOTICE OF MOTION TO DISMISS FIRST AMENDED COMPLAINT
[BROWN VS. ASSENTATO] #LACV23-02972

1 PLEASE TAKE NOTICE that on FEBRUARY 29, 2024, at 10:00 a.m. in
 2 Courtoom 8B of this court, located at United States Courthouse, 350 W. First
 3 Street, 8th Floor, the Honorable MAAME EWUSI-MENSAH FRIMPONG,
 4 District Judge, presiding, all Defendants: (1) Steven Weera Tonasut, as Trustee of
 5 the Tonasut Family Trust dated June 14, 2004, for and in place of the erroneously
 6 named “Steve Weera Tonasut Trust”; and (2) Emil Assentato; and (3) Trust Deed
 7 Enterprises, LLC, a Delaware limited liability company, will move the Court for an
 8 order dismissing the First Amended Complaint, dismissing with prejudice each and
 9 all of the Defendants herein from this Action.

10 This joint motion is made under Rule 12(b)(6), as facts are not pleaded with
 11 sufficiency and particularity for a claim sounding in fraud in order to state a claim
 12 against Defendants, nor any of them, and not pleaded sufficiently nor with the
 13 required particularity under Rule 9(b) (fraud pleading), and the Private Securities
 14 Litigation Reform Act (“PSLRA”) 15 U.S.C. § 78u-4 for the claims Plaintiff
 15 makes, all under federal securities law claims created under federal statute and
 16 sounding in fraud.

17 Regarding conference of counsel, with the pro se plaintiff: under L.R. 7-3
 18 and L.R. 16-12, as plaintiff is pro se in this case and is not an attorney, no
 19 conference was held between this counsel and plaintiff.

20 This motion is based on this notice, the memorandum of points and
 21 authorities, the request for judicial notice, with the lodged proposed order, and on
 22 argument if such occurs.

23 Date: Jan. 17, 2024

Respectfully Submitted,

24 */s/ Fred Hickman*

25 Fred Hickman. fredhickman@gmail.com
 26 for: Defendants Steve Weera Tonasut, as Trustee of
 27 the Tonasut Family Trust dated June 14, 2004
 28 and, Emil Assentato; and, Tax Deed Enterprises,
 LLC, a Delaware limited liability company.

1 PROOF OF SERVICE

2 All persons are deemed served under Local Rule 5-3.2.1 for documents filed
3 electronically, as Plaintiff as pro se has been approved by order of this Court for
4 ecf filing and service.

5 I, the undersigned, certify and declare that I am over the age of 18 years,
6 employed in the County of Orange, State of California, and not a party to the
7 above-entitled cause.

8 Executed on January 17, 2024, at Santa Ana, California.

9 I hereby certify that I am a member of the Bar of the United States District Court,
10 Central District of California.

11 /s/ Fred Hickman

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13 Fred Hickman
fredhickman@gmail.com

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